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10 Attorneys for Plaintiffs
Brozovich and Younan

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 FRANK BROZOVIĆ, Derivatively on Behalf
15 of Nominal Defendant ACTEL
16 CORPORATION,

Case No. C06-05352 JW

17 Plaintiff,
18 v.
19 JOHN C. EAST, ESMAT Z. HAMDY, PAUL
20 V. INDACO, FARES N. MUBARAK, DENNIS
G. KISH, HANK L. PERRET, DOUGLAS D.
GOODYEAR, JEFFREY M. SCHLAGETER,
DAVID M. SUGISHITA, DENNIS F. NYE,
CARL N. BURROW, ROBERT J. SMITH II,
ROBERT G. SPENCER and JACOB
JACOBSSON,
21
22 Defendants,
23 and,
24 ACTEL CORPORATION,
25 Nominal Defendant.

**26 CORRECTED APPLICATION OF
PLAINTIFFS BROZOVIĆ AND
YOUNAN FOR ORDER
SHORTE**
JAN 2007
**NING TIME TO HEAR
PLAINTIFFS' MOTION TO
CONSOLIDATE CASES, AND
[PROPOSED] ORDER**

1 SAMIR YOUNAN, Derivatively on Behalf of
2 Nominal Defendant ACTEL CORPORATION,

Case No. C06-06832 JW

3 Plaintiff,

4 v.

5 JOHN C. EAST, ESMAT Z. HAMDY, PAUL
6 V. INDACO, FARES N. MUBARAK, DENNIS
7 G. KISH, HANK L. PERRET, DOUGLAS D.
8 GOODYEAR, JEFFREY M. SCHLAGETER,
DAVID M. SUGISHITA, DENNIS F. NYE,
CARL N. BURROW, ROBERT J. SMITH II,
ROBERT G. SPENCER and JACOB
JACOBSSON,

9 Defendants,

10 and,

11 ACTEL CORPORATION,

12 Nominal Defendant.

1 Pursuant to Local Rule 6-1, Plaintiffs Brozovich and Younan ("Plaintiffs") hereby apply for
 2 an Order Shortening Time for their Motion to Consolidate Cases (*Brozovich v. East, et al.* 06-cv-
 3 05352-JW and *Younan v. East, et al.* 06-cv-06832-JW), filed concurrently with this Application.
 4 The attached declaration of Kathryn A. Schofield demonstrates that shortened time is appropriate
 5 because the Motion to Consolidate should be heard concurrently with the Motion for the
 6 Appointment of Lead Plaintiff, Lead Counsel and Liaison Counsel ("Lead Plaintiff Motion") and
 7 the Case Management Conference, both calendared for January 8, 2007.

8 Any interested parties have been given ample notice of the parties' intention to consolidate
 9 these two cases. All parties in both cases, through their counsel, stipulated to consolidation, and
 10 filed that stipulation with the Court on November 14, 2006. Therefore, the parties' intention to
 11 consolidate the two cases has been in the public record for over a month, without any subsequent
 12 objection or opposition. Moreover, Plaintiffs' November 15, 2006 Lead Plaintiff Motion is
 13 unopposed. Accordingly, Plaintiffs do not anticipate any opposition to their Motion to
 14 Consolidate. Moreover, Defendants do not oppose this application for shortened time. In light of
 15 the judicial efficiencies of hearing the Motion to Consolidate and the Lead Plaintiff Motion on the
 16 same schedule, and the pre-existing consolidation stipulation, shortened time is appropriate in this
 17 instance.

18 Dated: December 26, 2006

BRAMSON, PLUTZIK, MAHLER & BIRKHAEUSER, LLP

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Attorneys for Plaintiffs Brozovich and Younan

1 **DECLARATION OF KATHRYN A. SCHOFIELD IN SUPPORT OF APPLICATION FOR**
 2 **ORDER CONTINUING CLASS CERTIFICATION SCHEDULE**

3 I, Kathryn A. Schofield declare:

4 1. I am an attorney admitted to practice before the courts of this State and am an attorney
 5 with the law firm of Bramson, Plutzik, Mahler & Birkhaeuser LLP, attorneys of record for
 6 Plaintiffs in the *Brozovich* and *Younan* actions.

7 2. *Brozovich* and *Younan* are derivative actions. *Brozovich v. East, et al* (C06-5352 JW)
 8 was filed on August 30, 2006 and *Younan v. East, et al* (C06-6832 JW) was filed on November 2,
 9 2006.

10 3. Shortened time is appropriate in this instance because the Motion to Consolidate should
 11 be heard concurrently with the November 15, 2006 Motion for the Appointment of Lead Plaintiff,
 12 Lead Counsel and Liaison Counsel (“Lead Plaintiff Motion”) and the Case Management
 13 Conference, both calendared for January 8, 2007. If consolidation is not resolved at that time, then
 14 the Court will not be able to calendar the Consolidated Amended Complaint and any subsequent
 15 Motion to Dismiss or Answer.

16 4. All parties in both cases, through their counsel, stipulated to consolidation, and filed
 17 that stipulation with the Court on November 14, 2006. Therefore, the parties’ intention to
 18 consolidate the two cases has been in the public record for over a month, without any subsequent
 19 objection or opposition.

20 5. Plaintiffs’ Lead Plaintiff Motion is unopposed. Accordingly, Plaintiffs do not anticipate
 21 any opposition to their Motion to Consolidate. Nor do Plaintiffs anticipate any prejudice to anyone
 22 occurring if the Motion to Consolidate is heard on shortened time.

23 6. I have spoken with counsel for Defendants and advised him of Plaintiffs’ request for
 24 shortened time on their Motion to Consolidate. Opposing Counsel does not oppose Plaintiffs’
 25 Motion to Consolidate being heard on shortened time.

26 7. Attached is a proposed order granting the application. On behalf of Plaintiffs, I
 27 respectfully request that the Court set the following briefing and hearing schedule:

Opposition Brief: December 29, 2007
Reply Brief: January 2, 2007
Hearing: January 8, 2007 at 9:00 a.m.

If no Opposition is filed, then Plaintiffs will request that the Court decide the matter at the Case Management Conference on January 8, 2007.

8. The undersigned hereby certifies that the Application for Order Shortening Time is made in good faith and for good cause.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of December, 2006, at Walnut Creek, California.

/s Kathryn A. Schofield

Kathryn A. Schofield

ORDER

Having considered Plaintiffs Brozovich and Younan's Application for an Order Shortening Time on their Motion to Consolidate, and finding good cause therefor,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Consolidate and related briefing is scheduled as follows:

Opposition Brief: December 29, 2007
Reply Brief: January 2, 2007
Hearing: January 8, 2007 at 9:00 a.m.

IT IS SO ORDERED.

DATED: December 27, 2006



HON. JAMES WARE
UNITED STATES DISTRICT COURT JUDGE